



Practitioner's Docket No. 12524

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Talbert et al.

Application No.: 09/921,344 Group No.: 1724

Filed: 08/02/2001

For: Thermal Water Treatment Examiner: Betsey Hoey

Patent*: _____

Issue Date: _____

Reexamination No.: _____

Issue Date: _____

Reissue: _____

Issue Date: _____

*NOTE: Insert name(s) of inventor(s) and title for patent.

Assistant Commissioner for Patents
Washington, D.C. 20231

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GROUP 1700

**STATEMENT UNDER 37 C.F.R. § 3.73(b)—
ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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Signature

Date: 04/28/2003

Klaus H. Wiesmann

(type or print name of person certifying)

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"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: 37 CFR 3.73(b) states: "When an assignee seeks to take action in a matter before the Office with respect to a patent application, . . ., patent, registration, or reexamination proceeding, the assignee must establish its ownership of the property to the satisfaction of the Commissioner. Ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office. The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. Documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office."

NOTE: "Section 3.73(b) is amended to remove the sentence requiring an assignee to specifically state that the evidentiary documents have been reviewed and to certify that title is in the assignee seeking to take action. The sentence is deemed to be unnecessary in view of the amendment to §§ 1.4(d) and 10.18." Notice of Oct. 10, 1997, 62 Fed. Reg. 53,131, at 53,174.

1. The assignee(s) of the entire right, title and interest hereby seek(s) to take action in the PTO in this matter.

IDENTIFICATION OF ASSIGNEE

2. Battelle Memorial Institute

Name of assignee

Non-Profit Corporation Under State of Ohio

Type of assignee, e.g., corporation, partnership, university, government agency, etc.

PERSON AUTHORIZED TO SIGN

3. Jerome R. Bahlmann

(type name of person authorized to sign on behalf of assignee)

Senior Vice-President and General Counsel

Title of person authorized to sign

NOTE: The Notice of April 30, 1993 (1150 O.G. 62-64) points out:

"The statement under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following two manners if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.).

"(1) The statement may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. A person having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to be an officer of the assignee or to have authority to sign the statement on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the statement on behalf of the assignee.

"(2) The statement may be signed by any person, if the statement includes an averment that the person is empowered to sign the statement on behalf of the assignee and, if not signed by a registered practitioner, the statement must be in oath or declaration form. Where a statement does not include such an averment, and the person signing does not hold a position in the organization that would give rise to a presumption that the person is empowered to sign the statement on behalf of the assignee, evidence of the person's authority to sign will be required."

[Author's Note: The requirement for an oath or declaration for this statement by a person not a registered practitioner was rescinded by the rules effective December 1, 1997.]

(complete the following, if applicable)

I, the person signing below, state that I am empowered to sign this statement on behalf of the assignee.

BASIS OF ASSIGNEE'S INTEREST

Ownership by the assignee is established as follows:

A.

1. An assignment from the inventor(s) of the matter identified above, which was recorded in the PTO at
Reel 012048, Frame 0601
2. An assignment (document) separately being submitted for recordal herewith.

AND/OR

B. A chain of title from the inventor(s) to the current assignee as shown below:

1. From: _____

Name of inventor(s)

To: _____

Recorded in PTO: Reel
_____ Frame _____

2. From: _____

Name of inventor(s) or assignee

To: _____

Recorded in PTO: Reel
_____ Frame _____

3. From: _____

Name of inventor(s) or assignee

To: _____

Recorded in PTO: Reel
_____ Frame _____

(check item below, and add details, if applicable)

Additional documents in the chain of title are listed in the attached Supplemental Sheet.

COPIES OF DOCUMENTS IN CHAIN OF TITLE

(complete this item, if copies are being sent)

Copies of the assignment(s) or other document(s) in the chain of title are attached as follows:

A 1 2

B 1 2 3



(Signature of authorized person)

Jerome R. Bahlmann

(type or print name of authorized person)

Senior Vice-President and General Counsel

Title of authorized person



SIGNATURE OF PRACTITIONER

Klaus H. Wiesmann

(type or print name of practitioner)

Battelle Memorial Institute

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